

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

v.

WARREN TIDWELL,

Defendant.

**8:13CR106**

**ORDER**

This matter before the court on the defendant's objection, [Filing No. 351](#), to the order of the magistrate judge, Filing Nos. 282 & 289, denying his motion for appointment of counsel under the Criminal Justice Act, [18 U.S.C. § 3006A](#), ("CJA"), [Filing No. 277](#). Counsel was directed to submit bills for an in camera review. [Filing No. 396](#) & [Filing No. 440](#).

The court has reviewed counsel's submissions and finds that the defendant's objection should be sustained, the order of the magistrate judge should be reversed, and the defendant's motion for appointment of counsel under the CJA should be granted.

The court finds that counsel Joseph L. Howard should be appointed to represent the defendant Warren Tidwell under the CJA. Counsel may submit claims for compensation under the CJA for attorney's fees incurred from and after Monday, January 12, 2015, except for time spent on January 12, 2015, reviewing the magistrate judge's order on the motion to appoint counsel. Further, counsel may submit claims for reimbursement of outstanding expert witness fees and expenses and for counsel's reasonable reimbursable expenses to date. The court finds the expenditure for an

expert witness is necessary for the adequate representation of the defendant in this matter. Accordingly,

IT IS HEREBY ORDERED:

1. The defendant's objection ([Filing No. 351](#)) to the order of the magistrate judge is sustained.
2. That portion of the order of the magistrate judge (Filing Nos. 282 & 289) that denies the defendant's motion for appointment of counsel under the CJA is reversed.
3. The defendant's motion for appointment of counsel under the CJA ([Filing No. 277](#)) is granted.
4. Counsel Joseph L. Howard is appointed under the Criminal Justice Act to represent defendant Warren Tidwell in this matter, effective January 12, 2015.

DATED this 28th day of July, 2015

BY THE COURT:

s/ Joseph F. Bataillon  
Senior United States District Judge